

Article 4: Public Hazards and Public Nuisances

Division 10: Abatement of Lead Hazards

(*“Abatement of Lead Hazards”*
added 5-14-2002 by O-19063 N.S.)

§54.1001 Findings and Declaration of Purpose

The Council of the City of San Diego finds and declares that:

- (a) The Centers for Disease Control identified childhood lead poisoning as one of the most common pediatric health problems in the United States. While adults can be affected by lead hazards, children under seven are especially at risk.
- (b) Lead is most harmful to young children because it interferes with the development of the brain, as well as other organs and systems such as the kidneys and nervous system. Lead poisoning has been linked to reduced IQ, attention deficit disorder, hearing loss, impaired growth, and reading and learning disabilities. Between 1992 and 2000, there were 377 reported cases of childhood lead poisoning in the City of San Diego.
- (c) Studies show that children from low-income families, living in older, poorly maintained housing are at higher risk for lead poisoning. According to the 1990 United States census, approximately seventy percent of the housing units in the City of San Diego were built before 1978, and approximately twenty-four percent of the City’s housing stock were constructed before 1950.
- (d) Childhood lead poisoning is preventable. Common household *lead hazards* can be permanently eliminated via abatement or controlled through interim measures.
- (e) A *lead hazard* found on any property, dwelling, or structure within the City of San Diego is a *public nuisance* when a *child* is diagnosed with *lead poisoning* as a result of being exposed to the hazard.

(*“Findings and Declaration of Purpose” added 5-14-2002 by O-19063 N.S.*)

§54.1002 Definitions

“*Child*” means any person under seven years of age.

“*Director*” has the same meaning as that in Municipal Code section 11.0210.

“*Dwelling*” means a room or suite of rooms in a building or portion thereof, used, intended or designed to be used or occupied for living purposes.

“*Lead-based paint*” has the same meaning as that in Title 17 of the California Code of Regulations section 35033.

“*Lead-contaminated dust*” has the same meaning as that in Title 17 of the California Code of Regulations section 35035.

“*Lead-contaminated soil*” has the same meaning as that in Title 17 of the California Code of Regulations section 35036.

“*Lead hazard*” has the same meaning as that in Title 17 of the California Code of Regulations section 35037.

“*Lead poisoning*” has the same meaning as that in California Health and Safety Code section 105280.

“*Premises*” has the same meaning as that in Municipal Code section 54.0202.

“*Public nuisance*” has the same meaning as that in Municipal Code section 11.0210.

“*Responsible person*” has the same meaning as that in Municipal Code section 11.0210.

“*Structure*” has the same meaning as that in Municipal Code section 113.0103.
(“*Definitions*” added 5-14-2002 by O-19063 N.S.)

§54.1003 Enforcement Authority

The *Director* of the Neighborhood Code Compliance Department, or any other Director authorized by the City Manager, is authorized to administer and enforce the provisions of this Division. The Director or anyone designated by the Director to be an Enforcement Official may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter 1 of this Code.

(“*Enforcement Authority*” added 5-14-2002 by O-19063 N.S.)

§54.1004 Enforcement Remedies

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201. The Director may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code.

(“Enforcement Remedies” added 5-14-2002 by O-19063 N.S.)

§54.1005 Strict Liability Offenses

Violations of this Division shall be treated as strict liability offenses regardless of intent.

(“Strict Liability Offenses” added 5-14-2002 by O-19063 N.S.)

§54.1006 Lead Hazard Unlawful

- (a) It is unlawful for any *responsible person* to maintain a *lead hazard* or allow a *lead hazard* to remain upon any premises, surfaces, *dwelling, structure*, or appurtenances that is within his or her control, ownership, or possession.
- (b) It is unlawful for any *responsible person* to fail to reduce or eliminate a *lead hazard* that is within his or her control, ownership, or possession.

(“Lead Hazard Unlawful” added 5-14-2002 by O-19063 N.S.)